

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUDITH MOON, an individual,

Plaintiff,

v.

GMAC MORTGAGE CORPORATION, d/b/a
DITECH.COM, et al

Defendants.

NO. 08-00969-TSZ

AFFIDAVIT OF
SCOTT ZEITZ IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

COUNTY OF MONTGOMERY)

) ss.

STATE OF PENNSYLVANIA)

SCOTT ZEITZ being first duly sworn upon oath, deposes and says:

1. I am employed by GMAC Mortgage Corporation ("GMACM") as a Performance Review Analyst. I am over eighteen and am competent to testify as to the matters herein. I make the following statement based on personal knowledge and my review of the files kept for the accounts for the loans and deed of trusts for borrower Judith Moon.

AFFIDAVIT OF
SCOTT ZEITZ - 1

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BISHOP, WHITE & MARSHALL, P.S.
720 OLIVE WAY, SUITE 1301
SEATTLE, WASHINGTON 98101-1801
206/622-5306 FAX: 206/622-0354

2. On April 23, 2006, Judith and Jimmy Moon (the "Moons") entered into two loan agreements with GMAC Mortgage LLC, d/b/a Ditech.com ("GMACM").

3. The loans were memorialized by two notes, the first with a principle balance of \$180,000.00 and the other with a principle balance of \$45,000.00. Attached hereto as Exhibits A and B are true and correct copy of the notes.

4. The notes were secured by two deeds of trust on real property commonly known as 1801 Trombley Road, Snohomish, WA 98290 ("Subject Property"). The first Deed of Trust is dated April 23, 2006, and was recorded on May 23, 2006, under Snohomish County Recording No. 200605230811. The second Deed of Trust is dated April 23, 2006, and was recorded on May 23, 2006, under Snohomish County Recording No. 200606060127. Attached hereto as Exhibit C and D are true and correct copy of the deeds of trust.

5. MERS was named as the beneficiary as nominee for the lender GMAC Mortgage Corporation d/b/a DiTech for both Deeds of Trust.

6. Under the terms of their loans, the Moons were required to make monthly payments to GMACM.

7. In addition to signing the notes and deeds of trust, the Moons signed and were provided copies of all required loan disclosures.

8. Payments on the loans stopped in October of 2007. As a result of the default, foreclosure proceedings of the first Deed of Trust were initiated.

9. March 3, 2008, Nancy Hunter, a paralegal at Resolve Legal called GMACM advising that Moon was represented by counsel and asked for loan documents related to Moon's loans. GMACM provided loan documents to Nancy Hunter the same

1 day. A copy of GMACM's notes reflecting the call and the transmittal sent by GMACM
 2 attaching the documents are attached hereto as Exhibits E and F.

3 10. On January 23, 2008, GMACM mailed Moon a letter advising that "the
 4 documents submitted in your support of a loss mitigation alternative are incomplete" and
 5 requests additional information. Moon never completed the application. A copy of
 6 GMACM's letter is attached hereto as Exhibit G.

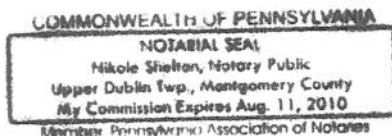
7 11. On March 17, 2008, GMACM mailed Moon an offer to satisfy her entire
 8 second mortgage obligation of approximately \$40,000.00 for \$11,122.39. The offer was
 9 not responded to nor accepted. A copy of GMACM's offer is attached hereto as Exhibit H.


10 12. GMACM mailed Moon other letters advising her that it may be able to help
 11 if she is having financial difficulties, needs more time to market and complete the sale of a
 12 property, or if she is considering bankruptcy. A copy of additional GMACM
 13 correspondence to Moon is attached hereto as Exhibit I.

14 13. The foreclosure was completed on May 15, 2009. A copy of the trustee's
 15 deed is attached hereto as Exhibit J.

17
 18 
 Scott Zeitz

19 SIGNED AND SWORN TO (or affirmed) before me on 15 day of July, 2009.




 Notary Public in and for the State of PA
 Residing at _____, Pennsylvania.
 My Commission expires: _____.

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 SCOTT ZEITZ - 3

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